



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

WEST CENTRAL REGIONAL OFFICE

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Preston Bryant
Secretary of Natural Resources

David K. Paylor
Director

Steven A. Dietrich
Regional Director

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION A SPECIAL ORDER BY CONSENT ISSUED TO DYNAX Registration No. 21279

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code § 10.1-1307.D, 10.1-1309, and 10.1-1184, and § 10.1-1316.C, between the State Air Pollution Control Board and Dynax, for the purpose of resolving certain violations of State Air Pollution Control Laws and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Order.
6. "Dynax" means the corporation certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.

7. "Facility" means Dynax, the source located at 568 East Park Drive in Botetourt County, Virginia.
8. "WCRO" means the West Central Regional Office of DEQ, located in Roanoke County, Virginia.
9. "Permit" means the Title V Permit, which became effective November 1, 2003 and expires October 31, 2008.
10. "O&M" means operations and maintenance.

SECTION C: Findings of Fact and Conclusions of Law

1. Dynax owns and operates a facility in the Botetourt County, Virginia. This facility is the subject of a Title V permit, which permits Dynax to operate an automotive friction parts factory.
2. As part of the requirements in the Title V permit, the facility is required to submit "Prompt Deviation Report (s)" when conditions, malfunctions, up-sets and other known or unknown conditions exist within the facility that may lead to excess emissions for more than one hour.
3. Dynax has submitted 3 "Prompt Deviation Report"(s) within the past month. All deviations occurred on unit Adh2, line #2, and #3 of the roll-coater for disk adhesive coating.
 - **Deviation #1** occurred on September 21, 2005 from 11:00pm to September 22, 2005, 4:51 am. (5 hrs). The #2 oxidizer for unit Adh2, coating lines # 2 and #3 and Torque Converter line (TC) had shut down. The operator continued to operate the production line. The cause of the oxidizer shut-down was due to a high LEL alarm which activated the CO2 fire suppression system shutting down the oxidizer. Dynax continues to investigate the cause of the LEL alarm. VOC emissions from the production line were not controlled according to condition III. A. 1. of the Title V permit. Excess emissions were estimated to be 110 lbs/VOC from the disk coating lines.
 - **Deviation #2** occurred on October 31, 2005 from 5:30 am to November 2, 2005, 5:30 pm (59 hrs). VOC emissions from Adh2, disk line #2 were not vented to the #2 oxidizer. Maintenance was conducted on the No. 1 oxidizer. Emissions from the #2 disk line are normally routed to the No. 1 oxidizer. In order to continue operations during the maintenance period, the VOC emissions were to be routed to the No. 2 oxidizer. The vent gates were never repositioned to vent VOC emissions from line #2 to the No. 2 oxidizer. VOC emissions from the production line were not controlled according to condition III. A. 1. and 5 of the Title V permit. Excess emissions were estimated to be 89 lbs/VOC from the adhesive operation.

- **Deviation #3** occurred from November 1, 2005 from 3:00 am to 5:30 am (2.5 hrs). The #2 roll coater on the Torque Converter line (half of emissions TC unit) was operated while the #2 coater vent fan was not operating. VOC emissions from the production line were not controlled according to condition III. A. 1. and 5 of the Title V permit. Excess emissions were estimated to be 15 lbs/VOC from the adhesive operation.
- 4. **Condition III.A.1 of the Title V permit states:** *Emission Controls - Volatile organic compound (VOC) emissions from the saturation lines (Sat1 & Sat2), the adhesive lines (Adh1 & Adh2), the torque converter line (TC), and all dilution and cleaning processes (SatSolv & AdhSolv) shall be controlled by incineration. The incineration units (afterburners) shall have a minimum destruction efficiency of 97.5 percent and a minimum set point temperature of 1400° F. The incinerator/afterburner units shall be provided with adequate access for inspection and shall be in operation when the aforementioned processes are operating. The incinerator/afterburner units may be shut down no sooner than 30 minutes after all production operations vented to the incinerator/afterburner units have ceased operation. (9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 3 of the 7/18/03 Permit)*
- 5. **Condition III. A.5. states:** *Emission Controls - Volatile organic compound (VOC) emissions from the adhesive lines (Adh1 & Adh2), the torque converter line (TC), and the adhesive line dilution and cleaning process (AdhSolv) shall be controlled by hoods and enclosures sufficient to achieve at least 90.0% capture efficiency of VOCs from the aforementioned processes. (9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 7 of the 7/18/03 Permit)*
- 6. Dynax was issued a Notice of Violation on December 1, 2005 for the alleged violation of the TV conditions cited above.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1307.D, 10.1-1184 and §10.1-1316.C, orders Dynax, and Dynax agrees to perform the actions described in Appendix A of this Order.

1. In addition, the Board orders Dynax, and Dynax voluntarily agrees to pay a civil charge of \$9,100.00 within 30 days of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Dynax, for good cause shown by Dynax, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Dynax by DEQ on November 22, 2005. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein. Dynax does not waive any rights it may have to object to enforcement actions by other federal, state, or local authorities arising out of the same or similar facts alleged in this Order.
3. For purposes of this Order and subsequent actions with respect to this Order, Dynax admits the jurisdictional allegations, but does not admit the factual findings, and conclusions of law contained herein.
4. Dynax consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Dynax declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 *et seq.*, and the Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein, except that Dynax reserves its right to a hearing or other administrative proceeding authorized or required by law or to judicial review of any issue of fact or law contained in any subsequent amendments to this Order issued by the Board without the consent of Dynax. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Dynax to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority. Dynax does not waive any rights it may have to object

to enforcement actions by other federal, state, or local authorities arising out the same or similar facts alleged in this Order.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Dynax shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Dynax shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Dynax shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Dynax. Notwithstanding the foregoing, Dynax agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Dynax. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Dynax from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, Dynax voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of 2-10, 2006.

Steven A. Dietrich
for David K Paylor, Director
Department of Environmental Quality

Dynax voluntarily agrees to the issuance of this Order.

By: Michael Semones

Date: 2-10-06

Commonwealth of Virginia

City/County of Botetourt

The foregoing document was signed and acknowledged before me this 10 day of
February, 2006, by Michael A. SEMONES who is
Michael A. Semones

Executive Vice President of Dynax, on behalf of the Corporation.

Carol H. Wicker
Notary Public

My commission expires: April 30, 2008

APPENDIX A

Dynax shall:

1. Program Interlocks into the roll-coater operations at the three roll-coaters that have exhaust fans (both roll-coaters on the TC line and the roll-coater on the #3 disk line) so that the coating rollers will not operate if the motor driving the exhaust fans is not operating. (To be completed by the effective date of this order).
2. Program interlocks into the roll-coater operations at the three roll-coaters that have exhaust fans (both roll coaters on the TC line and the roll-coater on the #3 disk line) so that the coating rollers and adhesive pumps will not operate if the exhaust fans are not running. (To be completed by the effective date of this order).
3. Install vent line isolation gates with position sensors. Program operating logic so that the roll-coaters on disk lines #2, #3, and the TC cannot operate without the isolation gates in the correct position to vent to either oxidizer #1 or #2. (Note: Disk line #1 can only vent to the #1 oxidizer). (To be completed within 120 days of the effective date of this order).
4. Program interlocks into the roll-coater operations at all 12 plant roll-coaters so that the roll-coaters will not operate unless they are connected (via the correct gate position logic listed in #3 above) to an operating oxidizer. (To be completed within 120 days of the effective date of this order).
5. Dynax shall amend their Operations and Maintenance Procedures (OMP) to reflect those changes described in Appendix A of this Order. Dynax shall train their operators in the proper operation of all such equipment and familiarize the operators with the revised written operating procedures. Dynax shall record the training provided including the names of the trainees, the date of the training and the nature of the training. (To be completed within 120 days of the effective date of this order).